



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, WEDNESDAY, JULY 22, 1998

No. 99

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we accept the psalmist's admonition to serve You with gladness. We think about what that would mean to serve You with gladness today in our responsibilities here in the Senate. We remember that the word "glad" means experiencing pleasure, joy, and delight. You are the source of that quality of lasting gladness. You, Yourself, are the answer to our prayers. Whatever You give us is nothing in comparison to companionship with You. Help us to bring that gladness to our work. We are invigorated by the assurance that You will be with us today in the magnificent moments and in the mundane minutiae. You will transform any vestige of grimness into gladness with the privilege of serving You. Duties will be a delight because we are working for You and the future of our beloved Nation. Grant the Senators fresh gusto for the adventure of leadership. With them, we report to You, dear God, and commit ourselves to serve You with gladness. Through our Lord and Saviour. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

### SCHEDULE

Mr. GREGG. Mr. President, this morning the Senate will proceed to potentially two rollcall votes on amendments offered last night to the Commerce-State-Justice appropriations bill.

Under a previous order, following the votes, Senator SESSIONS will be recognized to offer an amendment relative

to juvenile justice. After the Sessions amendment is disposed of, the Senate will continue with amendments to the bill in an effort to complete action on this important legislation by late afternoon.

The Senate may also turn to any other appropriations bill or other legislative or Executive Calendar item cleared for action. Therefore, Senators should expect rollcall votes into the evening during Wednesday's session.

I thank my colleagues for their cooperation and attention.

### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, the Senate will now resume consideration of S. 2260, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2260) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers modified amendment No. 3243, to amend the Federal Rules of Criminal Procedure, relating to counsel for witnesses in grand jury proceedings.

Graham/DeWine amendment No. 3244, to modify the definition of the term "public aircraft".

### AMENDMENT NO. 3243, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate prior to the vote in relation to the Bumpers amendment numbered 3243.

The Senator from Arkansas.

Mr. BUMPERS. I yield myself 3 minutes.

Mr. President, this amendment, for the edification of people who didn't hear any of the debate last night, is to

make a very minor change in the grand jury system. Now, bear in mind, the grand jury system is about as outdated, as big an anachronism as there is in this country.

For openers, all this amendment does is to say that an innocent person who is called before the grand jury—not as a target, not as a defendant, but an absolutely innocent witness, an absolutely innocent witness who is terrified because he or she is appearing before the grand jury for the first time in his or her life, and they know that if they misspeak, if their memory doesn't satisfy the prosecutor, they face the possibility of being charged with perjury.

Right now when that innocent person goes to testify before the grand jury, let's make it easy, let's assume, as I did last evening, that it is a Senator's wife; that might be understandable around here. The Senator's wife goes in after having paid some lawyer \$5,000 or \$10,000 just as a retainer to make sure she doesn't get charged with something for which she is innocent. She goes in and sits in the chair and they start asking her all kinds of personal questions that are totally irrelevant to why she is there: Have you been faithful to your spouse? Do you have a child charged with smoking pot? I understand your daughter is gay.

Those things are not stretches of my imagination. But her lawyer is seated outside the door, because under the Federal rules he cannot come into the same room in which his client, the witness, is testifying. Think of that. Think about how we bash China and their criminal justice system and their violation of human rights. That Senator's wife might be called back again tomorrow and the next day and the next day and the next day. You have seen it happen.

All we are saying is, don't make her crawl down off of the witness stand to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8689